

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MINDEN PICTURES, INC.,

Plaintiff,

v.

COMPLEX MEDIA, INC.,

Defendant.

No. 22-CV-4069 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On March 27, 2023, the Court dismissed Plaintiff's First Amended Complaint, directing Plaintiff to file a Second Amended Complaint within thirty days provided it had a good faith basis to do so. On April 27, 2023, thirty-one days after the Court's order, Plaintiff filed its Second Amended Complaint. On the same day, Defendant moved to dismiss the matter with prejudice on the ground Plaintiff failed to file a Second Amended Complaint before its deadline elapsed, and Plaintiff responded to Defendant's application on May 1, 2023.

Given the "strong preference" in this Circuit "for resolving disputes on the merits," *City of New York v. Mickalis Pawn Shop, LLC*, 645 F.3d 114, 129 (2d Cir. 2011), and the brief length of the delay, Defendant's instant application is denied without prejudice. Defendant may file a motion to dismiss the Second Amended Complaint within the time provided by the Federal Rules of Civil Procedure.

SO ORDERED.

Dated: May 1, 2023
New York, New York



Ronnie Abrams
United States District Judge